

## OPINION SUMMARY

### MISSOURI COURT OF APPEALS EASTERN DISTRICT

#### DIVISION TWO

JOHN SOLOMON,	)	No. ED109396
	)	
Respondent,	)	Appeal from the Circuit Court
	)	of the City of St. Louis
vs.	)	2022-CC00080
	)	
ST. LOUIS CIRCUIT ATTORNEY,	)	Honorable Christopher E. McGraugh
	)	
Appellant.	)	Filed: January 25, 2022

The St. Louis Circuit Attorney (“Defendant”) appeals the judgment denying its motion to set aside a default judgment entered in favor of John Solomon (“Plaintiff”) on Plaintiff’s amended petition alleging Defendant committed violations of chapter 610 of the Missouri Revised Statutes (“the Sunshine Law” or “Sunshine Law”).<sup>1</sup> The trial court’s judgment denying Defendant’s motion to set aside the default judgment ordered that, *inter alia*, (1) “Defendant shall produce to Plaintiff . . . a list that identifies every document responsive to Plaintiff’s Sunshine Law [r]equest”;<sup>2</sup> (2) “Defendant shall . . . produce to the [c]ourt . . . a copy of every document responsive to Plaintiff’s Sunshine Law [r]equest as well as a copy of the foregoing list”; and (3) “Thereafter, the [trial] [c]ourt will conduct an in camera review of the records and assess Defendant’s claims of privilege.”

Defendant raises a total of three points on appeal. Defendant’s first and second points claim the trial court improperly entered the underlying default judgment on Plaintiff’s amended petition. Defendant’s third point asserts the trial court erred in denying its motion to set aside the default judgment.

In addition, Plaintiff has filed a motion for attorney’s fees on appeal, which has been taken with the case.

**AFFIRMED AND REMANDED WITH DIRECTIONS.**

Division Two holds: We hold that all of Defendant’s points on appeal have no merit, and we grant Plaintiff’s motion for attorney’s fees on appeal. Accordingly, we affirm the trial court’s judgment denying Defendant’s motion to set aside the default judgment, and we remand the cause for further proceedings consistent with this opinion and the following specific directions. On remand, and in accordance with the trial court’s judgment denying Defendant’s motion to set aside the default judgment, (1) “Defendant shall produce to Plaintiff . . . a list that identifies every document responsive to Plaintiff’s Sunshine Law [r]equest”; (2) “Defendant shall . . . produce to the [c]ourt . . . a copy of every document responsive to Plaintiff’s Sunshine Law

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<sup>1</sup> See *Strake v. Robinwood West Community Improvement District*, 473 S.W.3d 642, 643 (Mo. banc 2015) (similarly referring to chapter 610 of the Missouri Revised Statutes as “the Sunshine Law”) (internal quotations omitted).

<sup>2</sup> As explained in detail in Section I.E. of this Court’s opinion, the trial court’s judgment also ordered Defendant’s list identifying every document responsive to Plaintiff’s Sunshine Law request to contain specific information for every responsive document.

[r]equest as well as a copy of the foregoing list”; and (3) “Thereafter, the [trial] [c]ourt [shall] conduct an in camera review of the records and assess Defendant’s claims of privilege.” *See* footnote 2 and Section I.E. of this Court’s opinion. Additionally, we direct the trial court on remand to determine the appropriate amount of attorney’s fees on appeal to award Plaintiff and enter judgment accordingly.

Opinion by: Robert M. Clayton III, P.J.  
Colleen Dolan, J., and Thomas C. Clark, II, J., concur.

Attorney for Appellant: David H. Luce, Zachary R. McMichael

Attorney for Respondent: David E. Roland, Kimberly Hermann, Celia H. O’Leary

<p><b>THIS SUMMARY IS NOT PART OF THE OPINION OF THE COURT. IT HAS BEEN PREPARED FOR THE CONVENIENCE OF THE READER AND SHOULD NOT BE QUOTED OR CITED.</b></p>
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